

MINUTES OF THE MEETING OF THE BOARD OF MASSAGE THERAPY

June 14, 2019

These minutes have been
approved by the Board on
October 11, 2019

1. ROLL CALL

The conference call meeting of the Board of Massage Therapy was called to order by Brian Allison, Chair, at 8:32 a.m. in Conference Room LU1, State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. Copies of the agenda were mailed to the Board members and other interested parties in accordance with the Open Meetings Law.

The following members answered roll call:

Members Present:

Brian Allison, Chair
Steven Carper, Vice-Chair
Mallory Carstens, Member
Michele Helaney, Secretary

Others Present:

Ami Huff, Assistant Attorney General
Kris Chiles, Program Manager, Licensure Unit
Nancy Herdman, Health Licensing Coordinator, Licensure Unit
Carla Cue, Investigations

2. ADOPTION OF AGENDA

MOTION: Helaney moved, seconded by Carper, to adopt the agenda. A voice vote was taken. Voting aye: Allison, Carper, Carstens, Helaney (4). Voting nay: None (0). Absent: None (0). Motion carried.

3. APPROVAL OF MINUTES (4-5-19, 5-1-19)

MOTION: Carper moved, seconded by Carstens, to approve the minutes of 4-5-19. A voice call vote was taken. Voting aye: Allison, Carper, Carstens, Helaney (4). Voting nay: None (0). Abstain: None (0). Absent: None (0). Motion carried.

MOTION: Carper moved, seconded by Allison, to approve the minutes of 5-1-19. A roll call vote was taken. Voting aye: Allison, Carper, Carstens, Helaney (4). Voting nay: None (0). Abstain: None (0). Absent: None (0). Motion carried.

4. INVESTIGATIVE REPORTS & OTHER CONFIDENTIAL INFORMATION CLOSED SESSION

MOTION: Helaney moved, seconded by Carper, to enter into closed session at 8:36 a.m. to hear discussions of an investigational/confidential nature and for the prevention of needless injury to the reputation of the individuals. Allison repeated the motion and purpose. A roll call vote was taken. Voting aye: Allison, Carper, Carstens, Helaney (4). Voting nay: None (0). Abstain: None (0). Absent: None (0). Motion carried.

9:45 a.m. - Cue departed meeting

MOTION: Helaney moved, seconded by Carper, to enter into open session at 8:47 a.m. A roll call vote was taken. Voting aye: Allison, Carper, Carstens, Helaney (4). Voting nay: None (0). Abstain: None (0). Absent: None (0). Motion carried.

5. REVIEW AND RECOMMENDATIONS – OPEN SESSION

There were no applications for review.

6. UPDATES AND REPORTS

a. 2019 Legislative Session

LB 244: Licensing of mobile massage therapy establishments. The bill included an emergency clause and became effective on 5-30-19. Chiles reported the mobile establishment application was available online but no applications had been submitted yet.

LB 112: Waives initial licensing fees for young workers, military families, and low income. The bill passed and is effective 9-1-19. Chiles reported that applications are being revised and she will notify schools of the 3 fee waivers.

Carper asked about the reflexology letter he had drafted. Chiles reported the reflexology bill did not move forward this year; however, the letter could be sent to Senator in the interim or during the 2020 legislative session.

b. Regulation Status

Chiles reported Chapter 82 (establishments) and 83 (schools) had been combined into one chapter (82) as each original chapter had repeated similar language, specifically the inspection criteria. The regulations are at the Governor's Office waiting for approval to schedule a public hearing. Once approval is received, there will be a 30 day publication notice. Chiles will let the Board know when a hearing date has been set. She encouraged the Board members to attend the hearing and suggested that a Board meeting could be set up after the hearing to address any comments presented at the hearing.

Chiles stated she received comments from 2 schools regarding the draft regulations; however the comments would need to be re-submitted by the parties at the public hearing, given the draft regulations are at the Governor's office awaiting approval for hearing. Following is a summary of the comments; (note the highlighting was submitted by the person providing comments)

172 NAC 82, Section 002:

- **HYDROTHERAPY.** Concern with the change in the hydrotherapy definition from 'in a class setting' to be 'taught in person'. The Theory portion of our Hydrotherapy class has been successfully taught in a classroom online since 2002. Hands-on applications are done in a classroom on-site and specialized hydrotherapy clinics. A list can be provided if needed. The clinic sites are hands-on for the students in addition to the many treatments we learn on-site during an intensive. Online we cover the Historic Background of Hydrotherapy, Benefits and Properties, Water's Effect on Skin, Indications for Hot vs Cold Water Treatments, and understanding Balneotherapy. We cover extensive terminology, indications, and contraindications. There is a section on Aromatherapy. There is a historical perspective on the Spa experience. There are tests and MBLEx practice questions online. As I pointed out, we have presented the Theory portion of Hydrotherapy online for the past 17 years. The US Department of Education in 2010 provided a Meta-Analysis and Review of Online Learning Studies. It was determined that Blended Learning (both online and onsite) had the greatest learning outcomes.

Suggested inclusions or deletions highlighted in yellow below

- **CLINICAL PRACTICE.** The remaining 300 hours may be obtained through an internship or residential class in subject areas related to the clinical practice of massage therapy which may include, but is not limited to reflexology, deep tissue modalities, structural integration modalities, energy modalities, Swedish massage, sports massage, pregnancy and infant massage, physiology and psychology of exercise, acupressure therapy, review of health histories and documentation, and licensure examination subject areas.

INSTRUCTORS. Provide the name of the instructor who will be teaching each course set out in 172 NAC 82-004.01(B). Instructor requirements for the course of study follows:

- (i) Anatomy, health service management, pathology, and physiology may be taught by a person with appropriate education in the topic area and may be taught through residential, e-learning, on-line or other digital means.
- (ii) Hydrotherapy, hygiene and practical demonstration, massage, and clinical practice must be taught by a massage therapist who holds an active license in Nebraska or active credential in another state and must be taught in-person. Delete yellow highlights. Add green highlights. Appropriately licensed person may supervise massage and clinical practice. i.e Registered nurse

172 NAC 81, Section 004:

- Delete yellow highlights
004.02 RECIPROCITY. An applicant who is credentialed or authorized to practice massage therapy in another jurisdiction and has not completed 1,000 hours of training in massage therapy, may obtain hours to equal the required 1,000 hours of training through a massage therapy program, a college or university, work experience or continuing education. The applicant is not required to have attained the specified hours in the areas identified in 172 NAC 82. Hour equivalents may be granted in the following manner:
 - (A) 50-60 minutes obtained from a course of study in massage therapy equals 1 hour.
 - (B) 1 semester credit hour of massage therapy related college or university hours equals 15 hours.
 - (C) 200 hours for each year of full-time practice as a massage therapist.
 - (D) Up to 100 hours obtained from continuing education programs approved by the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) or the Federation of State Massage Therapy Boards (FSMTB).

172 NAC 81, Section 008:

- NON-HANDS ON HOURS. Up to 8 hours of non-hands on activities can be applied to the 16-hour requirement.
 - (G) PRESENTER CREDIT. A presenter at a continuing education course may receive the same credit hours as an attendee for only the initial presentation during a renewal period.
This is not fair to regular instructors. If one is limited in hours the other should also be limited. Perhaps presenter and instructor should be limited to the same hours.

c. Nebraska Chapter of AMTA

There was no report.

d. Federation of State Massage Therapy Boards

There was no report.

e. Statistics: Examination / Licensing / Administrative Penalties / Renewals / Disciplinary and Non-Disciplinary Information / School Report

The following disciplinary and non-disciplinary information was provided:

Ethan Hatcher – probation from 4-22-19 to 4-22-21
Anay Hobson – probation from 2-14-19 to 8-14-19
Carly Pfeiffer – probation from 1-2-19 to 7-2-19
Christopher Sampson – Revocation on 3-3-19
Jeffrey Vesly – Nondisciplinary assurance of compliance on 1-24-19
Katie Watkins – probation from 4-18-19 to 10-18-19
Xiangju Zhao – Revocation on 1-27-19

Chiles reported the following statistics:

Examination results since 1-1-19:

MBLEx – 15 pass, 2 fail
Jurisprudence (CEU) – 3 pass, 2 fail
Jurisprudence (reciprocity) – 16 pass, 1 fail

Active License Statistics:

Massage Therapist – 1571
Massage Therapy Establishment – 645
Massage Therapy School – 11
Temporary Massage Therapist – 2

7. ADJOURNMENT

There being no further business, Allison declared the meeting of the Board of Massage Therapy adjourned at 9:05 a.m.

Respectfully Submitted,

Michele Helaney, Secretary
Board of Massage Therapy

Minutes completed by Nancy Herdman, Health Licensing Coordinator